

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

| | | |
|-------------------------------|---|---------------------------|
| (1) RANDY BLAKE PATTERSON, |) | |
| |) | |
| Plaintiff, |) | |
| v. |) | |
| |) | Case No. CIV-2015-1204-HE |
| (1) NATIONAL BOARD OF MEDICAL |) | |
| EXAMINERS, |) | |
| |) | |
| Defendant. |) | |

**DEFENDANT’S NOTICE OF INTENTION TO
REQUEST PRODUCTION OF DOCUMENTS FROM
THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL**

Pursuant to Fed.R.Civ.P. 45 and L.Cv.R. 45.1(a), Defendant, National Board of Medical Examiners (“NBME”), hereby gives Notice of its intent to serve the attached Subpoena, requesting the production of documents, on The University of North Carolina at Chapel Hill, College of Dentistry, Campus Box #7450, Chapel Hill, North Carolina, 27599-7450.

DATE: July 27, 2016

Respectfully Submitted,

/s/ Andrea R. Rust
Jack S. Dawson, OBA No. 2235
Amy L. Alden, OBA No. 16978
Andrea R. Rust, OBA No. 30422
MILLER DOLLARHIDE, P.C.
210 Park Avenue, Suite 2550

Oklahoma City, OK 73102
Telephone: (405) 236-8541
Facsimile: (405) 235-8130
jdawson@millerdollarhide.com
aalden@millerdollarhide.com
arust@millerdollarhide.com
Attorneys for Defendant,
National Board of Medical Examiners

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of July, 2016, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing. Based upon the records currently on file, the Clerk of the Court will transmit a Notice of Electronic Filing to the following ECF registrants:

Steven E. Clark, OBA No. 1712
Heather Mitchell, OBA No. 14035
Katie L. Templeton, OBA No. 21553
CLARK & MITCHELL, P.C.
101 Park Avenue, Suite 210
Oklahoma City, OK 73102
Telephone: (405) 235-8488
Facsimile: (405) 235-7979
clark@clarkmitchell.com
heather@clarkmitchell.com
katie@clarkmitchell.com
Attorneys for Plaintiff

/s/ Andrea R. Rust

UNITED STATES DISTRICT COURT

for the

Western District of Oklahoma

RANDY BLAKE PATTERSON

Plaintiff

v.

NATIONAL BOARD OF MEDICAL EXAMINERS

Defendant

Civil Action No. CIV-2015-1204-HE

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To:

The University of North Carolina at Chapel Hill, College of Dentistry
Campus Box #7450, Chapel Hill, North Carolina 27599-7450*(Name of person to whom this subpoena is directed)*

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:

SEE EXHIBIT A, attached hereto and incorporated herein by reference

Place: JAMES K. PENDERGRASS, JR., 1511 Sunday Drive,
Suite 220, Raleigh, NC 27607 OR to MILLER
DOLLARHIDE, P.C., by mail or email as shown below

Date and Time:

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: _____

CLERK OF COURT

OR

*Signature of Clerk or Deputy Clerk**Attorney's signature*The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* _____

Defendant, National Board of Medical Examiners _____, who issues or requests this subpoena, are:
Jack S. Dawson, Esq., Amy L. Alden, Esq., and Andrea R. Rust, Esq., 210 Park Avenue, Suite 2550, Oklahoma City,
OK 73102; (405) 236-8541; jdawson@millerdollarhide.com; aalden@millerdollarhide.com; arust@millerdollarhide.com

Notice to the person who issues or requests this subpoena

A notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

EXHIBIT A

I. Instructions and Definitions

1. The terms “UNC”, “you”, and “your” shall mean The University of North Carolina at Chapel Hill and any of their agents, representatives, employees and/or assigns.
2. The term “Plaintiff” or “Dr. Patterson” shall refer to Randy Blake Patterson.
3. The terms “and” and “or” shall each refer to “and/or,” whichever use makes the request most inclusive.
4. The term “communication” shall mean any transmission of information from one person or persons to another person or persons, regardless of the medium by which such communication occurred, including by way of example, emails.
5. The term “document” or “documents” shall be construed in the most comprehensive and inclusive sense permitted by the Federal Rules of Civil Procedure and includes but is not limited to, every writing or record of every type and description that is in the possession, custody or control of you, including but not limited to correspondence (interoffice, intra-office or otherwise), communications, letters, memoranda, notices, confirmations, summaries or records of conversations, voice and sound recordings, films, electronic mail, computer data and any other form of electronic, magnetic, or computerized media, telephone recordings and transcriptions, photographs, notebooks, summaries or reports of physicians or consultants, pamphlets, notes from telephone conversations, agreements, reports, memoranda, studies, summaries, minutes, notes, instructions, manuals, any marginal comments or post-it notes appearing on any documents, and all other written, printed, computerized, computer-stored or maintained, or typed information of any nature whatsoever.
6. Included in the definition of “document” or “documents” as used herein are files, file folders, electronic files, electronic file folders, and any other computerized, computer-stored or maintained files or file folders. Accordingly, produce files and file folders together with the documents they contain.
7. The term “concerning,” “relating to,” “reflecting,” and “referring to” shall mean constituting, evidencing, mentioning, describing, pertaining to, responding to, used or relied upon in preparation of or in conjunction with, or being connected in any way, either directly or indirectly.
8. For purposes of these requests, the use of the singular shall be construed as the use of the plural and *vice versa*; “any” includes “all” and *vice versa*; “each” includes “every”

and *vice versa*; and the masculine includes the feminine and *vice versa*.

II. Requests to Produce Documents

1. Please produce copies of any and all documents submitted by Dr. Patterson or on Dr. Patterson's behalf to your dental school for advanced standing to an oral surgery program in 2015 or 2016, including but not limited to any and all applications, letters of recommendation, academic transcripts, medical school performance evaluations, examination scores or performance results, including but not limited to the USMLE Step 1, Step 2 CK, and Step 2 CS, and any other supporting documentation provided with any application.
2. Please produce copies of any and all documents concerning any and all evaluations of Dr. Patterson's applications submitted to your dental school for advanced standing to an oral surgery program in 2015 or 2016.
4. Please produce copies of any and all documents and communications concerning your acceptance and/or decision not to accept Dr. Patterson's application to your dental school for advanced standing to an oral surgery program in 2015 or 2016.
6. Please produce copies of any and all communications between you and Dr. Patterson or anyone acting on Dr. Patterson's behalf regarding his application to your dental school for advanced standing to an oral surgery program in 2015 or 2016.
7. Please produce copies of any and all documents and communications relating to any meetings or conversations discussing your evaluation of any application to your dental school for advanced standing to an oral surgery program in 2015 or 2016.
8. Please produce copies of any and all documents and communications relating to any interviews conducted with Dr. Patterson regarding any application submitted by Dr. Patterson to your dental school for advanced standing to an oral surgery program in 2015 or 2016.

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

| | | |
|-------------------------------|---|---------------------------|
| (1) RANDY BLAKE PATTERSON, |) | |
| |) | |
| Plaintiff, |) | |
| v. |) | |
| |) | Case No. CIV-2015-1204-HE |
| (1) NATIONAL BOARD OF MEDICAL |) | |
| EXAMINERS, |) | |
| |) | |
| Defendant. |) | |

DECLARATION OF AUTHENTICITY

I (name) _____, hereby declare that I am the (title) _____, for The University of North Carolina at Chapel Hill ("UNC"), and that, in that position, I am duly authorized and qualified to make the declarations contained herein.

1. UNC has produced copies of the following records (the "Records") in response to a third-party Subpoena that UNC received in connection with the above-captioned lawsuit:

(Attach additional pages if necessary)

2. The copies of the Records that UNC has produced in response to the Subpoena constitute full, complete, true and correct copies of the Records as maintained by UNC.

3. The Records were prepared by UNC in the regular course of business at or near the time of the acts, conditions, events or occurrences described in the Records by a person with knowledge or based upon information transmitted by persons knowledgeable of those matters.
4. The Records were kept in the course of UNC's regularly conducted business activities.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this ____ day of _____, at (City) _____,
(State) _____.

By: _____
(Signature)

(Printed Name)

Title: _____